

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KAZEE, INC., §  
§  
Plaintiff, §  
v. §  
§  
DR. DAVID L. CALLENDER, in his §  
official capacity as President of the § Civil Action No. 4:19-cv-0031-ALM  
University of Texas Medical Branch, §  
and TODD LEACH, in his official §  
capacity as Chief Information Officer of §  
the University of Texas Medical Branch, §  
§  
Defendants. §

**PLAINTIFF'S NOTICE OF DEPOSITION OF THE  
UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON**

TO: Defendants Dr. David L. Callender and Todd Leach.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff KaZee, Inc. hereby notifies all parties of its intent to take the videotaped oral deposition of the University of Texas Medical Branch at Galveston (“UTMB”) on \_\_\_\_\_, 2019 beginning at 9:00 a.m. Pursuant to Rule 30(b)(6), the matters on which examination is requested are identified on the attached Exhibit A. The deposition will take place at \_\_\_\_\_, and will continue day to day until the deposition is completed. The deposition will be conducted before a court reporter authorized by law to administer oaths. The deposition may be videotaped in addition to being stenographically recorded. All parties and counsel are invited to attend and cross-examine the witness.

Dated: January 17, 2019

By: /s/ Pete Marketos  
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**EXHIBIT A**

**DEFINITIONS**

1. The term “UTMB” means the University of Texas Medical Branch at Galveston.
2. The term “KaZee” means Plaintiff KaZee, Inc.
3. The term “PEARL” means KaZee’s Electronic Health Record System software, PEARL.
4. The term “TDCJ” means the Texas Department of Criminal Justice. “TDCJ facilities” refers to state prisons run by the TDCJ and specifically excludes county jails and federal prisons.

**DEPOSITION TOPICS**

1. The Notice of Termination from KaZee dated November 1, 2018.
2. UTMB’s use of PEARL after December 31, 2018.
3. UTMB’s decision to continue using PEARL after December 31, 2018, including the reason(s) for that decision and the person(s) responsible for making and/or communicating that decision.
4. The status of UTMB’s license to PEARL and current right to use PEARL.
5. UTMB’s ability to access health records and administer healthcare without access to PEARL.
6. UTMB’s use of PEARL outside of TDCJ facilities, including any use at county jails or federal prisons.